

ATTACHMENT B**REMARKS**

By the present amendment, the claims have been rewritten in accordance with the Interview dated September 6, 2005 between Examiner Seaman and the Applicants and their counsel so as to overcome the remaining rejections and objections and to place this case in condition for allowance. These amendments were also discussed in a telephone interview between Examiner Seaman and Applicants' counsel wherein the Examiner indicated that in light of the present amendments and arguments set forth herein, all remaining objections appeared to be overcome, and that the case appeared to be in condition for allowance. The amendments to the claims and each of the remaining objections are discussed below.

As an initial matter, the Applicants wish to thank the Examiner for her courtesy and her helpful suggestions made during the Interview with Applicants and their counsel which have advanced the prosecution of this case to the point where an allowance should immediately issue.

With regard to the remaining rejections as set forth in the Official Action (which eventually issued September 8, 2005, but which was discussed with the Examiner during the Interview of September 6, 2005) and Interview Summary, the Examiner rejected Claim 89 on the basis of enablement, but only with regard to the showing of activity for the moieties Y" and NR1R2. However, during the Interview with the Examiner, Applicants pointed out that several examples were provided for the Y" moiety and the NR1R2 moiety, and the Examiner subsequently acknowledged that the only moiety needing enablement was NR1R2 wherein m is 2 or 3 which makes 3 or 4 member rings. See Interview Summary dated September 8, 2005 (copy attached).

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In this regard, Applicants now have obtained compound data showing that a 4-membered cycle having $m=3$ (see attached Formula in Appendix 1) has the requisite activity in that the K_i (human H3) for this compound is 17nM, and thus the claim is now fully enabled for the range of $m=3-6$. Accordingly, Applicants have amended the claims so that m has a lower limit of 3, and this means that the entire claim as amended is now fully enabled.

In the Official Action, the Examiner made an objection with regard to the terms "other aldehyde derivatives" and "other ketone derivatives". As discussed with the Examiner in the recent telephone Interview, the expressions "other ketone derivatives" and "other aldehyde derivatives" merely refer to any group having a keto or aldehyde function and would be readily understood by one skilled in the art. For example, the USPTO Classification definitions commonly refer to "aldehyde or derivative" (see attached Appendix 2) and thus it would be expected that one skilled in the art would understand this definition. In addition, the ketone derivatives are specifically defined in the application, e.g., at page 17, lines 3-5, wherein it is stated "keto derivatives are understood to mean any oxime, alkyloxime, hydrazone, acetal, aminal, ketal, thione, carbazone or semicarbazone group and the thio analogues of these groups", such as those which comprise 1 to 8 carbon atoms (page 17, lines 1-2). Similarly, aldehydes are merely keto groups with H replacing the alkyl group (see attachment from the MSDS website, Appendix 3) and thus would fit the definition and would be readily understood as well. Accordingly, Applicants submit that these terms are clear on their face, and that one skilled in the art would readily understand their meaning.

In the Official Action, the Examiner made an objection with regard to the use of the language "the heterocycle" in Claim 124. As pointed out to the Examiner in the recent telephone Interview, this term clearly refers to the Y" in claim 89 (iv) and (iv'), and thus the use of this term is clear under 35 U.S.C. §112.

In the Official Action, the Examiner objected to the language of Claim 156 as ambiguous on the basis that the language did not seem to be consistent with the language of parent Claim 156. Without addressing this objection, Applicants have now amended this Claim in the manner suggested by the Examiner during the Interview of September 6, 2005, and the Examiner indicated in the recent telephonic Interview that this amended claim appeared to be satisfactory under 35 U.S.C. §112.

In the Official Action, the Examiner objected to the term "polymorphic crystalline structures" in Claim 89, and without addressing the merits of this objection, the objection has become moot by the deletion without prejudice of this language from the claims.

Finally, in the Official Action, the Examiner questioned the meaning of the term "as a ligand of the histamine H3-receptors" in Claim 89, and although Applicants submit that the meaning is clear, Applicants have agreed to remove this phrase from the claim in an effort to have this application proceed to allowance.

In light of the present amendments and arguments as set forth above, and the information provided herewith. Applicants submit that all outstanding rejections and objections have been overcome, and that the present application has now been placed in condition for allowance. Such action is earnestly solicited.

END OF REMARKS

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remarks

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